



Legislation Text

File #: 24-0193, Version: 1

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Waive the first reading and pass the ordinance amending Sections 3-3-11:1 and 3-3-12 of the Naperville Municipal Code by increasing the serving size of wine to 9 ounces and allowing for the serving of 32 ounces of draft beer/cider in a single container with a limit of one per patron per visit for Class B - Restaurant and Tavern liquor license holders (requires six positive votes)

DEPARTMENT: Legal Department

SUBMITTED BY: Jennifer Bonner, Senior Assistant City Attorney

BOARD/COMMISSION REVIEW:

On February 8, 2024, the Liquor Commission considered Brixmor's request to increase the serving size of wine to nine (9) ounces and unanimously recommended City Council approval. The Liquor Commission also considered Brixmor's request to increase the serving size of beer and cider to thirty-two (32) ounces. The Liquor Commission recommended allowing for the serving of thirty-two (32) ounces of draft beer/cider in a single container with a limit of one per patron per visit for Class B - Restaurant and Tavern liquor license holders by a 3-2 vote.

BACKGROUND:

Section 3-3-12:3 of the Naperville Municipal Code sets forth serving sizes for alcoholic drinks for on-premises consumption. Unless a lower serving size is specifically delineated in an on-premises liquor license class, serving sizes are limited to twenty-four (24) ounces of beer or cider, six (6) ounces of wine, or three (3) ounces of spirits with exceptions for wine by the bottle or carafe.

The City was contacted by Brixmor, which is spearheading redevelopment of the shopping center at the corner of Route 59 and Aurora Avenue, about increasing the serving size limits to nine (9) ounces of wine and thirty-two fluid (32) ounces of beer or cider. Two tenants, Yard House and Ruth's Chris Steakhouse require the inclusion of a nine (9) ounce wine pour as part of their national program. Additionally, Yard House offers a thirty-two (32) ounce serving of beer/cider, which is dubbed "the half-yard" as a signature menu item. Brixmor has represented that without the increases in serving size then these restaurants will not open.

DISCUSSION:

Brixmor stated that the restaurant owners have not encountered serving size restrictions previously despite having locations nationwide. Liquor Commissioners had no concerns about increasing the serving size of wine to nine (9) ounces because they believe this is standard serving size.

At the Liquor Commission meeting, Commissioners raised concerns about the absence of restaurant representatives, safety, and whether the serving size restrictions are consistent with neighboring

communities. Staff compiled the following information regarding serving size restrictions:

- Oakbrook has a serving size of twenty-four (24) ounces for beer and cider;
- Schaumburg has a serving size of sixteen (16) ounces;
- Glenview and Lombard, both of which have a Yard House restaurant, have no maximum serving size for beer and cider.

There have been no liquor violations at either of the other Yard House restaurants. After extensive discussion regarding ways to prevent over service, the Liquor Commission recommended allowing the serving of thirty-two (32) ounces of draft beer/cider in a single container with a limit of one per patron per visit for Class B - Restaurant and Tavern liquor license holders.

Draft minutes from the February 8, 2024 Liquor Commission meeting are attached.

FISCAL IMPACT:

Corresponding receipt of annual liquor license fee and sales tax.